

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

**JEFFERY CARLOS HALE, ON)
BEHALF OF HIMSELF AND ALL)
OTHERS SIMILARILY SITUATED,)
)
Plaintiff,) Case No. 1:10CV00059
)
v.)
) **ORDER**
)
CNX GAS COMPANY, LLC, ET AL.,) By: James P. Jones
) United States District Judge
)
Defendants.)**

This action by a deemed lessor of coalbed methane gas under the Virginia Gas and Oil Act, Va. Code Ann. § 45.1-361.1 to .26 (2002 & Supp. 2011), was referred to a magistrate judge pursuant to 28 U.S.C.A. § 636(b)(1)(B) (West 2006 & Supp. 2011) and Federal Rule of Civil Procedure 72(b) for findings and recommendations on motions to dismiss by the defendants. After briefing and argument by the parties, the magistrate judge issued her Report and Recommendations. *Hale v. CNX Gas Co.*, No. 1:10CV00059 (W.D. Va. Jan 21, 2011) (Sargent, J.). The plaintiff and the defendants filed timely Objections to the Report and Recommendations, which Objections have been briefed and argued before me.

Based upon my de novo review of the Objections, it is **ORDERED** as follows:

1. All of the Objections are **OVERRULED**;
2. The Report and Recommendations (ECF No. 68) are fully **ACCEPTED**;
3. The Motion to Dismiss Plaintiff's Complaint by CNX Gas Company LLC (ECF No. 29) is **GRANTED IN PART AND DENIED IN PART** in accord with the Report and Recommendations;
4. No objections were filed to the Report and Recommendations by defendant Torch Oil & Gas Company and its Motion to Dismiss Plaintiff's Complaint (ECF No. 35) is **GRANTED IN PART AND DENIED IN PART** in accord with the Report and Recommendations; and
5. The Motion to Dismiss by the Commonwealth of Virginia (ECF No. 49) is **GRANTED** in accord with the Report and Recommendations.

ENTER: September 28, 2011

/s/ James P. Jones
United States District Judge